

Federal Requirements Governing Asbestos-Containing Waste Materials and It's Disposal

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- Asbestos National Emissions Standard for Hazardous Air Pollutants (NESHAP)
- Oldest of ALL NESHAP's Promulgated (40+). Became Effective March, 1973
- One of the "Original 7" (Asbestos, Arsenic, Benzene, Beryllium, Mercury, Radionuclides, Vinyl Chloride)

- **Last Major Renovation to NESHAP – 1990. Added Requirement to Maintain Asbestos “Waste Shipment Records (WSR)”**
- **During 1990 Revisions, “Active” (§61.154) and “Inactive” (§61.151) Waste Disposal Sites Added Under Definition of a “Facility”**
- **ALL ACWM Waste Sites are Regulated as “Active” for One Year After Last Known Date of Deposition.**

- **Inactive Waste Site Regulatory Requirements Triggered After One Year Has Passed**
- **Pertains to Waste Generated Under §61.142, §61.144, and §61.147**
- **Demo/Reno Activities Governed Under §61.145. D/R Waste - §61.150!**
- **Preamble to 1990 Amendments States Exclusively that ACWM from “Milling, Manufacturing, or Fabricating Operations” Only Covered.**

- **Assume Demo/Reno Waste Regulated Under §61.151 – Need to Know Source of ACWM (NESHAP Defined Facility?)**
- **Regulates Asbestos-CONTAINING Waste Material.**
- **What About Free Asbestos Fibers in Soil (not From Regulate Source...i.e., Naturally Occurring)?**

- Regulated Under Superfund
- How to Determine % Asbestos in Contaminated soil? ACWM or Free Fibers (natural or man-made sources)?
- ACWM Through Standard Asbestos Analyses in Bulk Materials (PLM)

- Must Have More Than 1% in material (by Area Using PLM) to be Considered ACM.
- For Soils...All Areas Tested Which are Above “Background” Must be Cleaned to Background Levels (see: last Q & A on Applicability Determination).

- **Though not OFFICIALLY Defined, Background DOES NOT Mean Pristine Soil Conditions.**
- **EPA has Some Guidance on how to Calculate “Background” (Asbestos Ombudsperson: 1-800-368-5888)**
- **ALL ACWM Generated from Source NOT Covered Under NESHAP is EXEMPT from ALL NESHAP Provisions Including Disposal (e.g. Private Residential Buildings)**

- Removing ACWM From a Disposal Site Constitutes a “Renovation” Under NESHAP Rules and All Applicable NESHAP Provisions Must be Followed.
- Some Debate About Moving Regulated ACWM Waste From Point A to Point B on Same Disposal Site Would Qualify New Site Now as “Active” (Consensus...NO)

Requirements for Active Sites Include
EITHER No Visible Emissions OR:

- Be Covered with 6 Inches of Compacted Non-Asbestos Containing Material or Covered with a Resinous or Petroleum-Based Dust Suppression Agent.

- **OR Use and Alternative Emissions Control Method Which has Received Written Approval by the EPA Administrator**
- **Natural or Man-Made Barriers, Warning Signs to be Posted**
- **Maintain Until Closure Records of the Location, Depth and Area, and Quantity of ACWM in Cubic Meters.**

For Inactive Waste Disposal Sites All of the Above Including:

- Upon Closure (Different than “Inactive”) Mark the Property Deed with Notation that Land has Been Used as a ACWM Landfill and that the Site has been Subject to the Asbestos NESHAP.